

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Darnel Powell Bey
Ex. Rel. DARNEL POWELL

Index No: 2:18-CV-07022(RPK)(PK)

Plaintiff,

-against-

MOTION TO RE-EXAMINE CASE

WESTBURY UNION FREE SCHOOL DISTRICT,
EUDAS S. BUDHAI, Superintendent of Schools;
WESTBURY UNION FREE SCHOOL DISTRICT-
BOARD OF TRUSTEE(S)- FLOYD EWING and
PLESS DICKERSON from 2009 to 2021 excluding
STANTON BROWN and ROBIN BOLLING; and
including LISA MALDONADO, ANN ALEXANDER
and MICHAEL BURGER et. al.

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Defendant(s),

-----X
Clerk of Court- Douglas C. Palmer

I am requesting this court accept the Motion to Re-examine this case as it pertains to the last ORDER more importantly read the attached treaties that clearly support my claim.

This request is based on new evidence (Federal Rules of Civil Procedure doesn't apply) and due to et. al., which includes all defendants such as New York State Education Department- Commissioner of Education and Westbury School District-Superintendent of Schools and Board of Trustee members. Federal Rules of Civil Procedure-FRCP isn't law because they are not enacted by Congress (also FRCP adoption by order of the Supreme Court does not apply and cannot pass legislations). Further, it is not regulated because it is not issued by a federal administrative agency; instead (FRCP) was established by an Advisory Committee (also see Rule 60 (b)(1)(6)). Therefore, an incorrect application of law was applied. To be specific, defendant's motion to dismiss is baseless (8 U.S.C. 1229a(C)(6); 8 C.F.R. 1003.2(b)(1); Ayala v. Sessions, 855 F.3d 1012, 1020 (9th Cir. 2017; Ma v. Ashcroft, 361 F. 3d 553, 558 (9th Cir. 2004).

Furthermore, New York State Education Department is the governing agency of New York State School Districts. With that said, filing a claim against New York State Education Department is coupled with filing a claim against Westbury School District. SED is the parent and Westbury School District is the infant/minority. Further, et.al. applies in this claim. Making a complaint the SED or Westbury School District is one in the same.

ET AL. An abbreviation for et alii, "and others." Mitchell v. Mason, 90 Fla. 192, 105 So. 404, 405. The singular is "et alius" (q. v.). It may also mean "and another" in the singular. Babb v. Dowdy, 229 Ky. 767, 17 S.W.2d 1014, 1016; Glen Falls Indemnity Co. v. Manning, La.App., 168 So. 787, 788., Where the words "et al." are used in a judgment against defendants, the quoted words include all defendants. Williams v. Williams, 25 Tenn.App. 290, 156 S.W.2d 363, 369.

Moreover, and most importantly, I am requesting this Motion to Re-examine this case due to treaty agreements between the two different nationals (Moor and United States citizens). Therefore, this court should follow the requirements of an Article 111 court not an Article 1 court. A judge as juris typically cannot ignore the law without explanation; in other words, the judge only referenced statues/codes and NOT the treaties determine how to resolve disputes between said parties (Treaty of Peace and Friendship between Morocco and Great Britain 1787 and 1836 Articles 20 through Article 24; and the Treaty of Paris 1856- Articles 8 and Articles 9).

A judge shall perform the duties of the judicial office impartially, competently and diligently. On the contrary, if the judge or the court does not follow the law, then (s)he should exercise recusal, loses subject matter jurisdiction and the judge/court orders are void pursuant to procedural unfairness based on improper decisions.

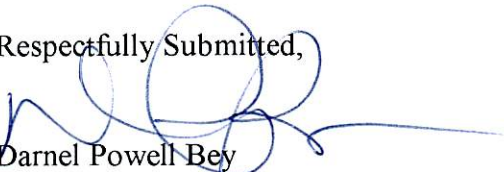
Lastly and again, I have requested from the onset a Jury Trial not a Judge Trial.

Jury Demand

Plaintiff demands a jury trial

Dated: May 24, 2022

Respectfully Submitted,



Darnel Powell Bey

Authorized Representative for Ex. Rel DARNEL POWELL

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May 24, 2022

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Douglas C. Palmer- Clerk of Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **REPLY**-Index #: 1:21-cv-05714-RPK-PK, 21-CV-2048 (RPK) (PK), 2:21CV-01179(JS)(AKT), 2:18CV-02638(SJF)(ARL), 2:18-CV-07022(RPK)(PK), 1:21-cv-05713-RPK-PK

Dear Douglas C. Palmer-Clerk of Court:

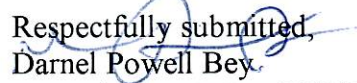
This is the Plaintiff's 3rd (third) **REPLY** including correspondences submitted/dated April 16, 2022, and May 9, 2022 regarding the court's latest ORDER.

Further, this court is aware that treaties including the appropriate parties supersede the Federal Rules of Civil Procedure. However, if FRCP was the lawful measure/instrument to resolve this dispute between the two foreign nationals, additionally then Rule 60 (b)(1)(6) would apply.

However, if this court was able to lawfully reference (FRCP) the Defendant's refusal to offer a counterclaim response to Plaintiff's response to this court is appropriate to grant judgement for the Plaintiff. This court should rule in Plaintiff's favor due to Defendant's non-response etc. (see Rule 12 Rule 55 and Rule 60(b)). This court has 10 days after service to act on a Plaintiff's require (see Rules 8, 9, 18, or 41).

Further, Plaintiff's claim in this case should be ruled in the Plaintiff's favor with a favorable finding on this issue. Defendant's Attorney refused to answer Plaintiff's motions is evident enough (according to your Rule 12(b)- a party must serve an answer to said documents within 21 days).

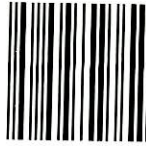
Lastly, it is clearly evident that Plaintiff's complaint is a strong case for the judicial system due to treaty contracts and it lawful and appropriate for a deposition to commence as previously schedule by Plaintiff followed by placing a trial by jury on the court's calendar.

Respectfully submitted,

Darnel Powell Bey
Ex. Rel DARNEL POWELL
Pro Se

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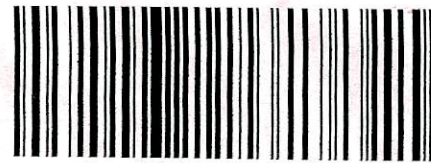
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